

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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 UNITED STATES OF AMERICA

v.

JOHN J. DIAMONT, JR.,

Defendant.

CRIMINAL NO. 05-10154-MLW

**DEFENDANT'S MOTION TO SEAL HIS SECOND SUPPLEMENTAL  
MEMORANDUM IN SUPPORT OF HIS MOTION *IN LIMINE*  
TO EXCLUDE DISPUTED INVOICES AND DISPUTED CHECKS**

Defendant John Diamont moves, pursuant to Local Rule 7.2, for leave of Court to file under seal Defendant's Second Supplemental Memorandum in Support of His Motion *In Limine* to Exclude Disputed Invoices and Disputed Checks. Diamont believes it is appropriate to file the Second Supplemental Memorandum under seal for all of the same reasons it was appropriate to file his original Memorandum in support of his Motion *In Limine* under seal, as stated in Defendant's Motion to File Documents Under Seal and *Ex Parte* (doc. #69).<sup>1</sup>

Moreover, the government's new produced evidence that is the subject of Defendant's Second Supplemental Memorandum offers even more reason to be wary of Strogoff's truthfulness. This evidence provides at least two instances of outright lies by Strogoff to the government: his statements about whether Joseph Berardi was one of his scrap suppliers and his statements disclaiming knowledge that any of his suppliers cashed their checks at the Broadway National Bank.

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<sup>1</sup> Diamont incorporates herein Defendant's Motion to File Documents Under Seal and *Ex Parte* (doc. #69).

Diamont has served a copy of his Second Supplemental Memorandum on the government but believes the Second Supplemental Memorandum should be withheld from the public record. As with the original Memorandum, Diamont seeks leave to file the Second Supplemental Memorandum under seal only until the conclusion of any testimony concerning the admissibility of the Disputed Invoices and Disputed Checks.

WHEREFORE, the defendant requests that the Court permit him to file the Second Supplemental Memorandum under seal. The defendant further requests that the Second Supplemental Memorandum be maintained under seal until after all evidence on Defendant's Motion *In Limine* has been presented.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Lauren M. Papenhausen  
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Dated: September 14, 2006

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have attempted to confer with counsel for the government and have attempted in good faith to resolve or narrow the issues presented in this Motion. Counsel for the government was unavailable to confer regarding this Motion.

/s/ Lauren M. Papenhausen

**CERTIFICATE OF SERVICE**

I, Lauren M. Papenhausen, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 14, 2006.

/s/ Lauren M. Papenhausen

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